PC Agenda: 1/28/15 Item: 4.b.

January 27, 2015

Subject: Public Comments on Draft Initial Study and MND for Primrose Preschool (CP14-039)

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# Memorandum

**TO:** Planning Commission

FROM: Harry Freitas,

Director

SUBJECT: SEE BELOW

**DATE:** January 28, 2015

# **SUPPLEMENTAL**

SUBJECT: A Conditional Use Permit to allow the operation of a 2-story, 12,715 square feet

preschool on a 0.91 gross acre site.

**Location:** 1500 Hamilton Avenue (APN 429-46-056 and 429-41-040).

# REASON FOR SUPPLEMENTAL

This Supplemental memorandum addresses comments received on the Mitigated Negative Declaration (MND) prepared for the proposed Conditional Use Permit (Planning File no. CP14-039). Responses are provided to comments on the adequacy of the analysis in the Initial Study and the proposed mitigation measures. The Mitigated Negative Declaration complies with the California Environmental Quality Act (CEQA).

### BACKGROUND

The draft Initial Study and Mitigated Negative Declaration (IS/MND) for the project was prepared and evaluated in compliance with the requirements of CEQA. On December 5, 2014, the Director of Planning, Building, and Code Enforcement circulated the draft IS/MND for a 30-day public review in conformance with the requirements of CEQA. In response to community request for additional review time over the holidays, the public comment period for the draft IS/MND was extended for an additional 15 days. The 45-day public review ended on January 20, 2015. The City received eight comment letters (attached) during the public review period:

- A. Letter (via e-mail) from Jean Dresden, dated 12/6/14.
- B. Letter (via e-mail) from Willow Glen Community Advocates, dated 12/19/14.
- C. Letter (via e-mail) from Barbara Trisler., dated 12/28/14.
- D. Letter (via e-mail) from Stanley Gould, dated 1/10/15.
- E. Letter (via e-mail) from Mary Stenseth, dated 1/19/15.
- F. Letter (via e-mail) from Martha Heinrichs, dated 1/20/15.

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- G. Letter (via e-mail) from Larry Ames, dated 1/20/15.
- H. Letter (via e-mail) from Brooke Miller, dated 1/20/15.

The City is acting as the Lead Agency for this project as defined by CEQA. The draft Mitigated Negative Declaration (MND) and Initial Study are available at: <a href="http://www.sanjoseca.gov/index.aspx?nid=2165">http://www.sanjoseca.gov/index.aspx?nid=2165</a>.

# **ANALYSIS**

The following analysis addresses the public comments on the IS/MND and staff responses to comments as they relate to the potential environmental impacts of the project under CEQA. The comments relate to several issue categories and the responses provided below address the range of project concerns identified in the eight comment letters received on the IS/MND. The primary issues raised in the comment letters are related to aesthetics (lighting), biological resources (tree protection), geology and traffic. These issues are addressed below.

#### 1. Aesthetics

One commenter expressed concern regarding the lighting of the parking lot and potential spill-over to the adjacent residential properties (Comment H1).

Response: As discussed in the IS/MND, exterior lighting is proposed for the building and parking area for security and access. All outdoor lighting will conform to the City Council's Outdoor Lighting Policy (4-3) which can be found on the City's website here: <a href="http://www3.sanjoseca.gov/clerk/cp\_manual/CPM\_4\_3.pdf/">http://www3.sanjoseca.gov/clerk/cp\_manual/CPM\_4\_3.pdf/</a>. Outdoor lighting will be shielded to direct light downwards to ensure that lighting does not spill over onto adjacent residential properties, consistent with City standards. The project would have a less than significant lighting impact to adjacent residential properties.

# 2. Geology

One comment expressed concern that the IS/MND did not mention quaternary faults as they relate to earthquake hazards (Comment A1).

Response: Quaternary fault is a term for a currently dormant fault that has been inactive for more than 700,000 years. The City Geologist evaluates all faults that are potentially dangerous to a development, including quaternary faults. According to the California Geologic Survey's 2010 Fault Activity Map, the project site is not located on a fault, quaternary or otherwise. Due to its location in a seismically active region, the proposed preschool building and associated playground may be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4. Therefore, there is a less than significant impact to the project from faults.

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#### 3. Noise

One commenter expressed concern that the noise and privacy wall is one story and the nearby residences are two stories (Comment H2).

**Response:** The City's Noise Element establishes criteria for evaluating noise impacts generated by a project. The following General Plan Policies, describing exterior noise levels, apply:

- EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
  - Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
  - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
- EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

The results of the noise assessment indicate that noise levels at the south and west property lines and residential setbacks would exceed Noise Element criteria. As stated in the IS/MND, a 7-9 foot high acoustically-effective barrier is required along the south and west property lines to reduce the exterior noise exposures to 55 dB DNL. There are no private exterior areas located on the second floor of the adjacent residences.

# 4. Traffic, Circulation and Parking

Multiple comments expressed general concern about traffic impacts of the project (Comments C1, D2 through D5, F1, F3 through F8, F11, G2, and H1). A number of these related to parking (Comments D1, F13 and F14). One comment letter expressed specific concern with the safety of the crosswalk at Hamilton Way (Comments F9 and F10). One comment clarified that a section of Hamilton Way does not have a sidewalk (Comment F12).

Response: (In response to comments C1, D1, D2, D4, D5, F1, F2 through F8, F11 through F13, G2 and H1): The City of San Jose's Council Policy 5-3 "Transportation Level of Service" establishes a threshold to determine the environmental impacts of a project on the transportation network. The potential impacts of the Primrose project were evaluated in a Traffic Impact Analysis (TIA) prepared by Hexagon Transportation Consultants (revised TIA dated 1/16/2015 can be found at <a href="http://www.sanjoseca.gov/index.aspx?nid=2165">http://www.sanjoseca.gov/index.aspx?nid=2165</a>). As discussed in the IS/MND, the TIA determined that project impacts to traffic would be insignificant because the nearby

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study intersections would continue to operate at existing/background Levels of Service (LOS) based on the City's thresholds of significance.

The TIA determined that adequate site access and on-site circulation would be provided by the project. Access to the project site is provided via one driveway on Hamilton Avenue opposite Cherrydale Drive. This driveway would provide one inbound lane and one outbound lane and would be 26 feet wide. This dimension matches the City of San Jose requirement. The City's Public Works department analyzed on-site circulation for fire trucks, garbage trucks and the parking lot, as stated in the revised TIA, and found access for each to be adequate.

(In response to comments C1, D3): The TIA determined that adequate site distance would be provided by the project. Sight distance generally should be provided in accordance with Caltrans standards, which establish a minimum acceptable site distance known as the Caltrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. For Hamilton Avenue, which has a posted speed limit of 35 mph, the Caltrans stopping distance is 300 feet (based on a design speed of 40 mph). Thus, the driver must be able to see 300 feet down Hamilton Avenue. The project will be required to set-back any planned vegetation at the outer edges of the sidewalks or install only low-growing plants to ensure sufficient sight distance.

(In response to comments D1, F6, F14, and G3): Parking is not considered an environmental issue under CEQA. According to the City of San Jose Parking Code, the proposed preschool project is required to provide a minimum of 22 parking spaces. The project is proposing 36 total spaces and thus meets the City Parking Code.

(In response to comments F9 and F1): Regarding the existing crosswalk at Hamilton Way, the project has agreed to install Rectangular Rapid Flash Beacons (RRFB) to enhance pedestrian crossing and to alert motorists.

(In response to comment F12): The existing pedestrian facilities are adequate to meet increased demand from the project. Sidewalks are present along both sides of Hamilton Avenue, with crosswalks across the minor street approaches at Hamilton Drive and Gaton Drive and a high visibility crosswalk across Hamilton Avenue within 100 feet of the project site.

# 5. Consistency and Accuracy of Plans in IS/MND

Some comments identified inconsistencies between plans in the IS/MND (Comment D6 and G1), and inaccuracies when referencing Hamilton Avenue and Hamilton Way (Comment F2).

**Response:** The final plan set resolves the inconsistencies between figures in the IS/MND. No trees will be removed as a part of this project. Please refer to final site plans which are included in the revised Traffic Impact Analysis (TIA) and can be found on the City's Initial Study webpage at <a href="http://www.sanjoseca.gov/index.aspx?nid=2165">http://www.sanjoseca.gov/index.aspx?nid=2165</a>.

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# 6. Extension of Public Comment Period, Compliance with Zoning Code and Suggested Revisions to Project

One comment requested additional review time beyond the legally required 20 day public circulation period (Comment B1). Multiple comments stated that the proposed project is not compatible with the existing neighborhood and existing R-1-8 zoning (Comment E1, H3). Multiple comments suggested revisions to the project (Comments F6, G4, G5, H2, and H4).

Response: These comments do not pertain to the adequacy of the analysis in the draft IS/MND. The public comment period for the draft IS/MND was extended for an additional 15 days, and the 45-day public review ended on January 20, 2015. All letters, including the suggested revisions to the project, have been shared with the Planning Commission. For a discussion of the project's compliance with General Plan policies, please see the Staff Report to the Planning Commission, which can be found on the Planning Commission Agenda for the January 28, 2015 or http://www.sanjoseca.gov/DocumentCenter/View/39413.

### **CONCLUSION**

Based upon review and analysis of the comments received during the public circulation period for the Primrose Preschool Project Draft Initial Study and Mitigated Negative Declaration, there is no evidence to indicated that implementation of the proposed project including proposed mitigation measures would result in a significant environmental impact under CEQA and therefore it is appropriate for the City to adopt a Mitigated Negative Declaration for the project.

HARRY FREITAS, DIRECTOR Planning, Building and Code Enforcement

For questions please contact Whitney Berry at (408) 535-7829

# Attachments:

- 1. Public Comment Letters and E-mails Received by January 20, 2015.
- A. Letter (via e-mail) from Jean Dresden, dated 12/6/14.

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- B. Letter (via e-mail) from Willow Glen Community Advocates, dated 12/19/14.
- C. Letter (via e-mail) from Barbara Trisler., dated 12/28/14.
- D. Letter (via e-mail) from Stanley Gould, dated 1/10/15.
- E. Letter (via e-mail) from Mary Stenseth, dated 1/19/15.
- F. Letter (via e-mail) from Martha Heinrichs, dated 1/20/15.
- G. Letter (via e-mail) from Larry Ames, dated 1/20/15.
- H. Letter (via e-mail) from Brooke Miller, dated 1/20/15.

**A1** 

# Primrose Preschool

# jeanann2@aol.com

Sat 12/6/2014 3:23 AM

**Public Comments** 

To:Berry, Whitney < Whitney.Berry@sanjoseca.gov >;

1 attachment

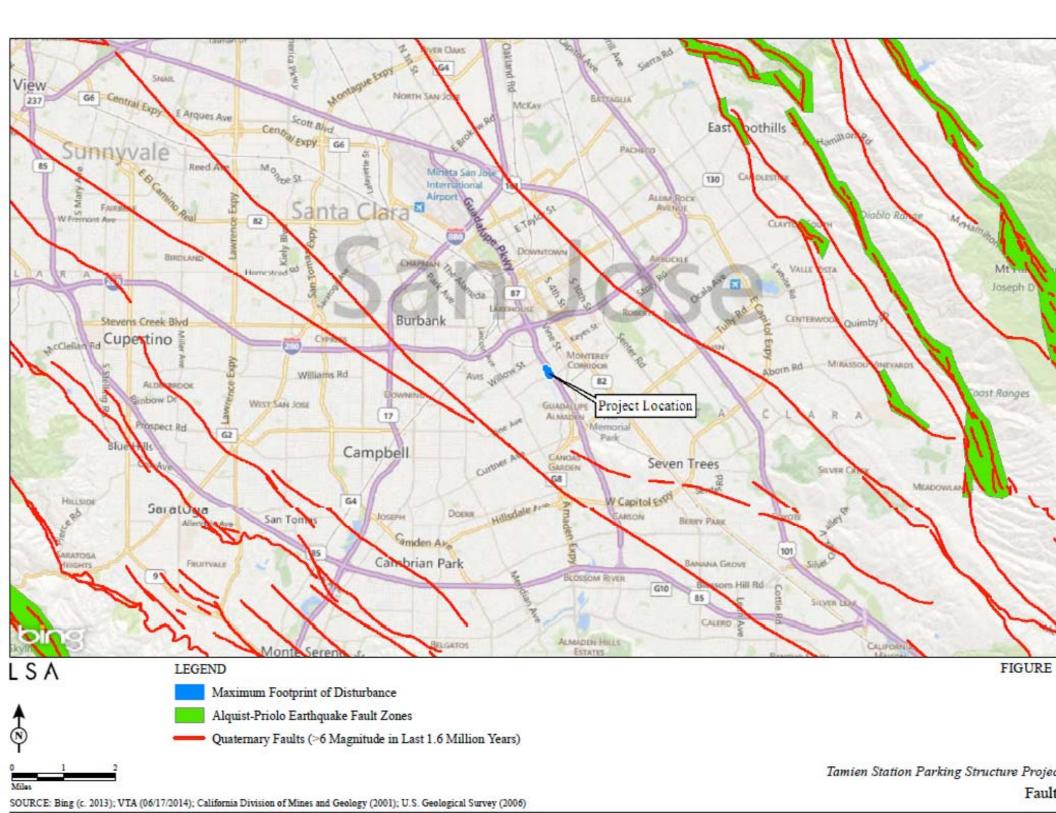
WG Earthquake Fault runs from WillowMeridian to AlmExFoxworthy.png;

Hello,

I noticed the MND didn't mention Quaternary Faults in Earthquake hazards. Does San Jose ignore Quaternary Faults. VTA's MND for the Tamien Parking garage included a discussion and a map. Their map shows a Quaternary Fault going through the Primrise Preschool project. Is there any concern about this since it is a site for children? Does it change construction requirements? Does it change what is allowed?

See attached map.

Thanks, Jean Dresden





# Willow Glen Community Advocates

www.WillowGlenCA.org

E-mail: WillowGlenCommunityAdvocates@gmail.com

December 19, 2014 via E-mail

Ms. Whitney Berry Environmental Project Manager City of San Jose 200 E. Santa Clara St. San José, CA 95113

RE: Planning File No. CP14-039, APN 429-46-056 and 429-41-040

Dear Ms. Berry,

The Willow Glen Community Advocates organization represents a group of citizens in the Willow Glen community concerned with the potential impact of the proposed Primrose Preschool Project as one of our current agenda items.

On December 5, 2014, you released the Draft Negative Declarations and Initial Studies with a link to the following City of San Jose Negative Declaration / Initial Study Library for the Planning, Building & Code Enforcement website.

http://www.sanjoseca.gov/index.aspx?nid=2165

These documentations total **over 550 pages** for the four sub-sections that have links on the website: Since there is no link for Appendix C, its size and content is unknown.

**Draft Initial Study/Mitigated Negative Declaration** prepared by the City of San Jose: **70 pages** 

http://www.sanjoseca.gov/DocumentCenter/View/38234

**Appendix A: Geotechnical Investigation Report** by SALEM Engineering Group, Inc.: **101 pages** 

http://www.sanjoseca.gov/DocumentCenter/View/38231

**Appendix B: Phase 1 Environmental Liability Site Assessment**, APN 429-46-056 and 429-41-040, prepared by Bole and Associates: An Environmental Consulting Firm,

313 pages

http://www.sanjoseca.gov/DocumentCenter/View/38232

**Appendix C: Noise Study** listed on website yet not accessible for review and comment.

**Appendix D: Draft Traffic Impact Analysis**, Prepared for Denise Duffy and Associates, Inc., by Hexagon Transportation Consultants.

70 pages

http://www.sanjoseca.gov/DocumentCenter/View/38233

You indicate in your email that the "public is welcome to review and comment on the draft

**B1** 

MND; the public comment period begins on December 5, 2014, and ends on January 5, 2014." Given that the allocated time includes 10 weekend days, Hanukkah, Christmas, Winter Solstice, Kwanzaa, and New Year's we request that the comment time be extended until Wednesday, February 4<sup>th</sup>. A public meeting has been scheduled for interested community members to discuss the findings and project on Wednesday, January 28, 2015, from 7-9pm at the St. Francis Episcopal Church at the corner of Pine and Newport. In addition, while City Hall and offices may be officially "open" it is likely that many employees will be out of the office during much of the time between Christmas Eve on Wednesday, December 24<sup>th</sup> and Sunday, January 4<sup>th</sup>. In order to allow for meaningful public review and comment on the Initial Study for this Development Project, given all of the factors, we respectfully request that the Planning Dept extend the date for public review comment 30 calendar days until Wednesday, February 4, 2015.

A longer public review period is both authorized and warranted pursuant to the CEQA guidelines. While you are in compliance as the guidelines provide that the review period for the negative declaration "shall be not less than 20 days." 14 C.C.R. § 1505 (b). Additional time is warranted when doing so facilitates the purpose of public review. These purposes include sharing expertise, checking for accuracy, detecting omissions, allowing for review of documentations, discovery and airing of public concerns. Id § 15200. Here additional time is required to fulfill these purposes given the busy holiday, vacation, and religious observation between December 5 and January 5. In addition, there are still documents listed as available which are not yet available on-line. If anyone has question to direct to "Whitney Berry, Environmental Project Manager" via email link on the website. An error message is returned and no email may be sent. The error message indicated to: Please use this number to reference this error: 8000000916da20c985d11e9.

Public review and comment on environmental review documents is an "essential" part of the CEQA process. Id. § 15291. In enacting CEQA, the Legislature stated that public agencies should provide for "wide public involvement...in order to receive and evaluate public reactions." Id. In order to provide for meaningful review of the Initial Study/Negative Declaration for the Primrose Preschool Property, we respectfully request that the City extend the public review period an additional 30 calendar days to Wednesday, February 4, 2015, which will also accommodate our community meeting regarding this topic.

Respectfully yours,

Original signed by

Ronald G. Lindsay – Chair WGCA Steering Committee

Original signed by

Karen Hammer – Co-Chair WGCA Steering Committee

cc: Pierluigi Oliverio - D6 Council Member Candace Louie – Planner, City of San Jose Harry Freitas – Planning Director, City of San Jose

# proposed school primrose

# Barbara Trisler <barbaratrisler@hotmail.com>

Sun 12/28/2014 5:20 PM

**Public Comments** 

To:Berry, Whitney < Whitney.Berry@sanjoseca.gov >;

# Good Day,

This report is flawed when it comes to traffic patterns.

You did not take into account the traffic it will produce

on Gaton drive. People will drop off and the because there is so much traffic they will not be able to turn left they will turn right on Gaton and then onto Lenns to Meridian, I know a study was done on the lower portion of Gaton but not the Lenns/Gaton portion. This affects

all the residence on these streets and the Atria senior residence. Also there is lots of traffic from mail carriers.

Also the blind corner approaching the school will be a problem with cars stopping to get into the school. Also two lanes to one always created a back up. Thanks for checking into these issues.

BARBARA TRISLER

C1

Stanley Gould 1591 White Rock Circle San Jose, CA 95125

January 10, 2015

Ms. Whitney Berry Planner City of San Jose 200 East Santa Clara Street, 3<sup>rd</sup> Floor San Jose, CA 95113

Re: INITIAL STUDY/MITIGATED NEGATIVE DECLARATION for the PRIMROSE PRESCHOOL PROJECT, File No. CP14-039

Dear Ms. Berry:

With consideration for the level of service data and recommendations contained in the traffic report, a significant issue that appears to have not been adequately addressed is on-site and off-site traffic congestion relevant to the project's location and the unusual configurations of the existing adjacent streets.

1. Page 55 of the Initial Study, 2nd paragraph states, "...it is assumed that all parents would park on-site and walk their children to/from the proposed facility." The Preschool Project proposes 11 classrooms for 196 children plus 24 employees. The Project Site Plan shows 36 parking spaces with a 26' wide 2 way drive that terminates in a dead end, instead of continuing around the building to a separate street exit. If all employees drive to work and park on site, only 12 spaces are available for parents to use while taking their children to and from the class rooms. Cars attempting to back out of parking spaces to leave while more cars are attempting to drive onto the property to park will cause traffic jams not only on site, but extending into Hamilton Avenue, blocking normal street traffic from flowing.

D<sub>1</sub>

D2

**D**3

**D4** 

- 2. To avoid the on-site parking congestion many parents will park on Keesling Avenue, Hamilton Way and Cherrydale Drive. They will walk their children across Hamilton at the existing cross walk, which has a push button flashing walk light. Normal traffic flow on Hamilton will be stopped by parents repeatedly pushing the button in the morning and afternoon.
- 3. The **blind curves** of Hamilton Avenue as it transitions into Pine already make left and right turns from Cherrydale Drive hazardous. Drivers must carefully focus on watching for hidden traffic coming from around the curve as they attempt to turn either right or left onto Hamilton. The addition of cars coming directly out of the Preschool parking drive, especially without a traffic signal, creates an even more confusing and extremely dangerous situation.
- 4. The Traffic Study does not appear to have considered cars arriving at the Preschool from the Cherry/Curtner vicinity via Hicks Avenue. These cars would make a left turn from Hicks onto Hamilton and then a left turn into the Preschool driveway. Curtner is a main east-west arterial and a connector to Cherry Avenue, which is used as an alternate route south towards Almaden. Similarly, cars coming from the vicinity of Minnesota Avenue on Hicks will be turning right onto Hamilton and left into the Preschool driveway.

5. It is not unusual for drivers going north on Meridian to turn onto Gaton Drive as a short cut to Hamilton in order to avoid the long signals at the Meridian-Hamilton intersection. Some school parents will be doing the same, adding more congestion at Gaton and Hamilton; then attempt to make a left turn from Gaton onto Hamilton and another left turn immediately into the Preschool driveway.

**D5** 

6. One other minor oversight, which I am sure has already been corrected is in the Initial Study documents. The "Project Site Plan", Figure 4, does not match the "Landscape Plan", Figure 6, nor the "Noise Barrier Location Plan", Figure 9.

**D6** 

Thank you for the opportunity to express my comments on the proposed Primrose Preschool Project. Sincerely,

Stanley Gould Tel: 408-448-0622 sggould@gmail.com

Cc: The Honorable Pierluigi Oliverio, Councilman, District 6, City of San Jose Planning Commissioners, City of San Jose Dry Creek Village Association Board c/o Dan Oscarson, Compass Management

# 1633 Fruitwood Court San Jose, California 95125 (408 266-4288

marystenseth@yahoo.com

January 19, 2015

Members of the Council, City of San Jose Members of the Planning Commission, City of San Jose San Jose, California

RE: File No. C14-036 File No. C14-039

Members of the Council and Planning Commission:

When there is a zoning proposal and a conditional use permit proposal coupled on an agenda, one must ask their elected and appointed (respectively) officials why the necessity for a zoning change? Planning staff has told the neighborhood that the C14-039 conditional use proposal for Primrose Day Care business can be correctly approved under the current zoning of R-1-18, a 20-plus year old zoning. Furthermore, Planning staff has explained to me that the zoning change is simply to make the new General Plan consistent across the city for the random lots left scattered throughout neighborhoods. Are the City Council and the Planning Commission adopting policy to push broader commercial zoning into lots left in residential areas throughout the city? Remaining lots in every district's residential areas deserve more attention to the commercial compatibility of development to residents.

Retain R-1-8 zoning which has kept Hamilton Avenue, an entry into Willow Glen's residential area, free of commercial proposals allowed under CN Commercial Neighborhood Zoning. Expanding the General Plan to CN zoning would ensure day-long vehicle trips, traffic confusion, noise, and pollution from a wider variety of land usage. The double S curve on Hamilton Ave. is unsafe for constant ingress and egress from left and right turning. Since the 70s, the original and current R-1-8 zoning has protected the high quality townhome PUD from commercial development extending into the Willow Glen residential townhome area.. The lot on which Primrose Day Care would like to locate was originally to be part of the Dry Creek Village residential PUD, but was held aside by the original owners. A very compatible, low impact single-story law office has been our neighbor on part of the set-aside. A type of low impact single business building under the R-1-8 zoning would clearly define Hamilton Avenue as the quiet western entrance to Willow Glen.

Primrose Day Care is proposed with maximum specifications to ensure maximum profit. The approval asked of the Planning Commission and City Council must be based on the impact of the project for residents and not its maximum profit projections for the corporation. There are several design elements that should be mandated of Primrose School: highest privacy wall to cover and buffer noise and parking shed roofing; sophisticated rodent and other vermin control for garbage dumpster less than 75 feet from Fruitwood Court residences; and extended-hooded lighting apparatus to avoid spill-over lighting of adjacent residences.

**E1** 

# I urge the downscaling of the Primrose Day Care proposal to responsibly ensure:

- 1. low neighborhood street impact (spillover parking for child drop-off and employee)
- 2. commuter/family vehicle safety ( Hamilton Avenue entering and exiting left turns at peak hours)
- 3. continuance of residential quality of life (sanitation, privacy, and lighting spill-over)

I support the plan for a child care business, but do not support the Primrose proposal of packing the lot with features to create congestion and unsafe conditions.

Thank-you for including discussion of the above points before your final decision. The R-1-8 zoning is adequate for residential compatible development next to an older neighborhood. We will not need more small merchant stores impacting the peace and tranquility of Dry Creek Village Townhomes. The behemoth Primrose Day Care building steps up parking and traffic issues. A scaled down Day Care could be an asset to District 6 and the immediate neighborhood. It would be attractive to families with young children to establish homes in area.

Sincerely,

Mary Stenseth

### VIA EMAIL

Ms. Whitney Berry
Environmental Project Manager
whitney.berry@sanjoseca.gov
Department of Planning, Building & Code Enforcement
San Jose, CA

RE: File No: CP14-039
Primrose Preschool Project
Initial Study/Mitigated Negative Declaration

Dear Ms. Berry,

I appreciate the opportunity to respond to the City's Initial Study/Mitigated Negative Declaration on the above referenced project.

As a resident of Willow Glen, I can see that the proposed Primrose Preschool project will give the families of Willow Glen an additional choice of daycare/preschool needs to chose from. However, I do have concerns of the proposed project on Hamilton Avenue with the significant impact it will impose on the safety and traffic in the immediate area, namely Hamilton Avenue and the side streets running into Hamilton Avenue at that location.

For your information, there are discrepancies in the IS/MND in the use of the names of the streets Hamilton Avenue and Hamilton Way. For those working on this report and not familiar with the location, these are two entirely different and separate streets and the words "Avenue" and "Way" should be used correctly.

The time of day that 196 Primrose children, plus some 24 teachers and staff, will be arriving by cars to the preschool in the early morning and departing in the late afternoon coincides with the typical weekday peak hours of the commute traffic in the neighborhood, thus causing not only a magnitude of more traffic on Hamilton Avenue, but also additional traffic on the side streets of Hamilton Way, Cherrydale Drive, Gaton Drive, and Hicks Avenue.

Hamilton Avenue/Pine Avenue is a major east-west collector street through Willow Glen with already bumper-to-bumper commute traffic during the early morning and late afternoon peak commute hours. The additional 220 cars

F1

F2

**F3** 

**F4** 

bringing children, teachers and staff into and out of Primrose Preschool twice a day will seriously add more traffic and congestion to this already heavily traveled major collector street.

The present project is now expecting to provide one dead end driveway onto the property, with one inbound lane and one outbound lane. The Traffic Study is recommending that the driveway be allowed all turning movements, including left turns. Cars entering the proposed driveway will be lined up on Hamilton Avenue waiting to get in; and exiting cars, from the same driveway, will be lined up to exit. The cars in the driveway need to somehow get turned around in the dead end driveway so they can exit the driveway. The cars exiting the driveway will be unable to see the approaching westbound traffic on Hamilton Avenue because of the double blind curve just west of the proposed project. This already looks like a hazard. Perhaps the only safe way to exit the driveway would be to go with the flow of the traffic and turn right.

**F5** 

Primrose Preschool appears to be too large for the size of the land available. Perhaps if the preschool decreased its size of enrollment and the size of the building it would fit the allotted space better. This would also allow for additional spaces needed for designated parking along with making a better flow through driveway easing the congested traffic on Hamilton Avenue.

**F6** 

Adding to the hazards of traveling on this major east-west collector street of Hamilton Avenue is the bright morning sun which hinders visibility when traveling east during the peak commute hours; and likewise, the west bound traffic can also be affected by the setting sun during the afternoon peak commute hours.

**F7** 

In close proximity to the proposed Primrose Preschool site is the Safeway shopping center where traffic is continually coming out of and going into the parking lot from both directions of traffic on Hamilton Avenue. This adds to the congestion on this major east-west collector street of Hamilton Avenue.

**F8** 

Immediately past the Safeway shopping center, going east on Hamilton Avenue and towards the proposed project, is the double blind curve and the intersection of Hamilton Way. According to the City's Appendix D: Traffic Study, page 12, . . . "there is a high visibility crosswalk with flashing beacons across Hamilton Avenue at Hamilton Way, just west of the project site." Since the installation of this crosswalk, I have never used it and don't intend on using it because of the dangerous safety issues involved. This crosswalk is not only located at this double blind curve, but also it is crossing a major east-west collector street with heavy traffic. Many drivers do not see the crosswalk or a pedestrian until they are right on it. How then can the Traffic Study refer to this crosswalk as being "highly visible"? I am at this intersection of Hamilton Way and Hamilton Avenue on the average of four times per day and each time when I have seen a pedestrian using this crosswalk I have held my breath, hoping they will make it across safely. Each time I am alert, closely watching the traffic coming up behind

**F9** 

me and the oncoming traffic to make sure that the pedestrian has been spotted and that traffic is slowing. On many occasions I have had to flash my headlights, honk my horn, or holler a warning at the pedestrian. This is not a safe crosswalk. Yet, in the Traffic Study at page 31, under the heading, "Concerns About Increased Traffic", the City proposes that with the addition of Primrose Preschool that even more pedestrians will be using this crosswalk: "It is likely that this crosswalk would be utilized by staff and patrons of the proposed Daycare Center."

F9, cont.

Public schools post crossing guards at various busy intersections near their schools so students can cross safely. Perhaps Primrose School could make this crosswalk safer for their staff, students and parents to cross if they, too, had a crossing guard posted at this crosswalk before and after school.

F10

Obviously, each side street coming into Hamilton Avenue where the proposed project is located will be inconvenienced with the added traffic and safety issues. As a long time resident of Hamilton Way, I know that "our" particular street has its own special issues. At page 13 of the Traffic Study, Hamilton Way is described as "a short two lane minor collector street that connects Hamilton Avenue just west of the project site to Hicks Avenue." Yes, Hamilton Way is a short street, but the City is well aware that ever since Hamilton Avenue was connected into Pine Avenue, Hamilton Way has been a major connector street and is plagued by vehicles continually using it as a "short cut" to get from Hamilton Avenue to Hicks Avenue and vise versa. This is why residents had to initiate traffic calming on Hamilton Way.

F11

The Traffic Study additionally states on page 13 that Hamilton Way provides sidewalks on both sides. This is not correct. The City is well aware that Hamilton Way has always had a long section on the north side of the street that has never had sidewalks.

F12

Located on the corner of Hamilton Way and Hamilton Avenue is a two-story office building with an attached small parking lot. In addition, there is a new three housing development, immediately off of Hamilton Avenue and on the corner of Hamilton Way and Keesling Avenue. These three new large homes all share just one narrow driveway, with little to no parking. The City approved this housing complex. The overflow cars not only from the office building but also from the new housing development, park on Hamilton Way including that section of Hamilton Way that has no sidewalks.

F13

One can see that there would not be adequate parking available on Hamilton Way for parents or staff of the proposed project to park and then walk across Hamilton Avenue in the crosswalk to the preschool. Additionally, that portion of Hamilton Way without sidewalks is certainly not safe for adults or children to walk.

F14

This proposed project will definitely have a significant impact on the traffic and

safety on Hamilton Avenue and the surrounding side streets and mitigation is required. I sincerely hope the City will negotiate and make the improvements needed for a safer plan not only for the vast number of vehicles that will be coming and going to this proposed preschool site, but also for the staff, students and parents of the preschool, including the surrounding neighbors and the community of Willow Glen.

Thank you for your consideration.

Sincerely,

Martha Heinrichs 1407 Hamilton Way San Jose, CA 95125 ichs@earthlink.net

cc: Harry Freitas, Planning Director: <a href="mailto:harry.freitas@sanjoseca.gov">harry.freitas@sanjoseca.gov</a> John Davidson, Senior Planner: <a href="mailto:john.davidson@sanjoseca.gov">john.davidson@sanjoseca.gov</a>

Candace Louie: <a href="mailto:candice.louie@sanjoseca.gov">candice.louie@sanjoseca.gov</a>

Ron Lindsay, Willow Glen Community Advocates: <a href="mailto:ronlindsay@comcast.net">ronlindsay@comcast.net</a>

Whitney Berry
San Jose Planning Department
200 E. Santa Clara Street
San Jose, CA 95113
sent via email, Whitney.Berry@sanjoseca.gov, Jan. 20, 2015

re: City File No. CP14-039, Primrose Preschool

Dear Ms. Berry,

I would like to submit the following comments and suggestions regarding the proposal for the Primrose School on Hamilton Ave., City File No. CP14-039.

Writing as an individual and speaking for myself, I do not have issue with concept of placing a preschool on this site; nor am I worried that traffic from the facility will significantly adversely impact the "level of service" at the surrounding signalized intersections. However, I do feel that the proposed project is too large for the parcel, and I'm also concerned that the size and layout of the parking lot is inadequate and may contribute to traffic congestion in the vicinity.

# Specific concerns:

- Figure 4 in the IS/MND is inconsistent with Fig. 6: the former shows that a large, ordinance-sized oak tree along the property line is to be preserved, whereas the latter shows it removed. Since the document states on p. 22 that the "project site contains one coast live oak (Quercus agrifolia) that will be retained as part of the project" I assume that Fig. 6 is in error.
- The parking lot layout shown in the IS/MND Fig. 4 appears to be awkward: it is a single dead-end aisle that is meant to handle the several hundred drop-off and pick-up trips per day. (Page 55: "Since the proposed project is admitting students with ages ranging between infants and elementary school students, it is assumed that all parents would park on-site and walk their children to/from the proposed facility.") The traffic impact analysis in Appendix D notes that the "parking drive aisle width does not meet the City standards" and "[s]ome minor on-site vehicle queuing is to be expected due to a combination of the inherent unpredictability of vehicle arrivals at the driveway", but then it asserts that this is "unlikely to generate significant on-site circulation issues." However, my experience with crowded parking lots still has me worried: as shown in the diagram below, when one driver tries to park or leave, the car can block the aisle and preclude passage by others. When the parking aisle becomes congested, it is likely to back up traffic on Hamilton Avenue (which is only one-lane each way at that point), and I fear that a congested parking lot could easily congest this regional arterial roadway.

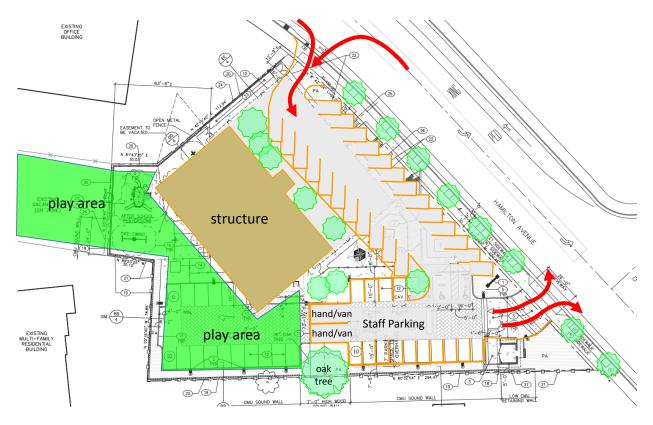
G1

G<sub>2</sub>

G4

- There don't seem to be enough parking spaces provided. The IS/MND states that there are 36 parking spaces: at the public presentation on Oct. 6, 2014, a chart was presented that shows the parking breakdown to be 31 standard spaces, 2 handicap spaces, and 3 for cleanair vehicles (CAV). The IS/MND also states that the facility will have 24 employees and a capacity of 196 children. One of the charts presented on 10/6/14 stated that parking requirements for child drop-off is one space per 6 children up to 5 spaces, and one space per 10 children thereafter, for a total of 22 spaces. (As a "sanity check": estimate that it takes an average of 12 minutes to park, unload the child, walk him or her into the facility, return, and unpark: that gives 5 drop-offs per hour per space. If the drop-offs are evenly distributed over a two-hour period, the 22 spaces  $\times$  5/hr  $\times$  2hr gives 220, which is about right for the 196 children.) It is highly unlikely that the drop-off/pick-up traffic will utilize the CAV parking (since it takes time to plug in the electrical connection, and the car is not likely to be there long enough to make it worth the effort), and so those 22 drop-offs will leave only 9 standard spaces (plus 2 handicap and 3 CAV) for the 24 employees. I am an avid cyclist and proponent of public transportation, but even I suspect that it is unrealistic to expect any of the parents dropping off children to bike or take the bus – they are busy and on their way to or from work, and it also seems overly optimistic to expect roughly half the employees to carpool or take alternative means of transportation.
- There is not enough play area. In order to have enough area per child, the IS/MND on p. 44 says that the proposal is to limit the playgrounds to no more than 80 children at a time, which is roughly 40% of the 196 children at the facility: it will take three "shifts" so that every child can have his or her turn out on the playground. The IS/MND also states "that outdoor play activity will be limited to the hours of 10:30 AM to 11:45 AM and from 3:30 PM to 5:00 PM." that's 75 minutes in the morning and 90 minutes in the afternoon:

I make the above comments not to derail the project, but rather in the hope of making it better, both for the children and for the community. In that spirit, I'd like to offer the following suggestions, as shown in this sketch. (The dimensions of the parking spaces and building are taken from Fig. 4 in the IS/MND, but the width of the driveways are only approximate and would need to be checked by an engineering or traffic analysis firm.)



- Move the building back from the street, and have a drive-through parking area in front. (Yes, I know, that is such a '60's style strip-mall style layout and not at all that desirable for modern urban villages, but this is a preschool with lots of car drop-off traffic on a busy street: the layout needs to be able to handle the hundreds of quick-stop visits without disrupting traffic on the street.) As sketched, it looks feasible to have about 24 spaces. The flow-through traffic pattern makes it so that exiting traffic does not block the incoming parents.
- Have a two-lane exit, so that those waiting to turn left do not block the right-turners. By allowing both left- and right-turns, the impact on the surrounding residential streets is minimized as there is less need to drive around the block or make a U-turn.
- If parents can easily get through the parking lot, they are less likely to create a backup at the entrance, and so there would be less congestion on Hamilton Ave.
- Generously landscape, both by the building and along the street, to compensate for all the pavement and the impact on the community.
- Keep the oak tree.

G5

- Keep the dead-end aisle for staff parking, but truncate it at the oak tree. This gives 14 spaces (including CAV) plus the two handicap/van spaces, for a somewhat improved overall total of 40. Note: while there's still the issue of blocking the aisle when backing out, the effect is less since it would be at the time when staff is leaving and there would not then be the large influx of arriving parents.
- Use the area that was at the end of the parking aisle for playground.
- Acquire the land-locked parcel that's just west of the project and use it to augment the playground area. If the playground can be large enough to accommodate 100 children at the same time, then the 196 capacity can be accommodated in two shifts rather than three, and the children can have (75+90)/2 = 82.5 minutes outdoors per day. If the land-locked parcel can not be acquired, then the capacity of the facility should be reduced to be compatible with the available playground area.
- I would also recommend that the developers acquire an easement from the Safeway Center so that folks can walk from the parking lot just to the west. This would allow parents to drop off the kids and then grab a quick coffee, or buy a quart of milk and pick up the kids without having to get into the car and drive around from one parking lot to the other. This easement would also improve safety, should there ever arise the need in an emergency to exit from the back.

I offer the above ideas as possible improvements: there likely are other solutions as well. The point is that the facility needs to be sized for the land available, and the parking has to be adequate and configured in a manner that does not create a nuisance or traffic hazard. I urge you to work with the project's development team to make the improvements needed to remedy these issues.

I would be pleased to discuss these concepts in more detail.

~Larry Ames Larry@L-Ames.com

cc: John Davidson, SJ Planning Dept. Ron Lindsay, Willow Glen Community Advocates G5, cont.

# File Nos. C14-036 and C14-039 (Primrose Day Care proposal, Hamilton Avenue)

# Brooke A Miller <br/> <br/> brooke.bam@gmail.com>

Tue 1/20/2015 2:34 PM

**Public Comments** 

To:Berry, Whitney <Whitney.Berry@sanjoseca.gov>; Louie, Candace <candace.louie@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; Oliverio, Pierluigi <Pierluigi.Oliverio@sanjoseca.gov>; kline@libraryworld.com <kline@libraryworld.com>; dyob@hopkinscarley.com <dyob@hopkinscarley.com>; edesab@yahoo.com <edesab@yahoo.com>; Nick Pham <nick@nickpham.com>; ed@abelite.com <ed@abelite.com>; brian.ohalloran@att.net <bri>horian.ohalloran@att.net <br/>horian.ohalloran@att.net <br/>horian.ohalloran. <marystenseth@yahoo.com>; Bob and Fran Lowry <LRL4488@aol.com>; Nan Reiley <nanreiley@gmail.com>; Kathy Email <kathycsportello@comcast.net>;

#### Hello:

The Primrose Day Care proposal was designed with maximum specifications to ensure maximum profit. The proposal's impact on the residents nearby has been grossly understated, as the proposal is designed to maximize profits for the Primrose Day Care corporation, at the expense of the quality of life in our neighborhood.

I live at 1627 Fruitwood Court, just behind the current empty lot where the Primrose Day Care has been proposed. I am seriously concerned about the volumes of extra traffic it will create, the noise it will generate from vehicles coming and going, the spill-over lighting from the parking lot lights, the extra vehicle emissions that will result, and the rodents and vermin the garbage dumpster will attract--all this less than 50 feet from my front (and back) doors!!

H<sub>1</sub>

H<sub>2</sub>

There are several design elements that should be mandated of Primrose Day Care, and yet have not been proposed as of yet:

- (1) The privacy wall to cover and buffer noise is only proposed as one-story, yet the townhomes just behind the property, that are less than 50 feet from the development, are two-story townhomes.
- (2) Rodent and vermin control at the garbage dumpster, which is also 50 feet from Fruitwood Court residents, needs to be mandated and maximized.
- (3) Lighting should be required to have extended-hoods to avoid spill-over lighting to the adjacent residences.

I do not support the rezoning of the property from R-1-18 to CN, and I request that it NOT be rezoned. The planning staff has told the neighborhood that the conditional use proposal for Primrose Day Care business can be correctly approved under the current zoning of R-1-18, a 20-plus year old zoning. Please retain the R-1-8 zoning which will keep Hamilton Avenue, an entry into H3 Willow Glen's residential area, free of commercial proposals allowed under CN Commercial Neighborhood Zoning. A type of low impact single business building under the R-1-8 zoning would clearly define Hamilton Avenue as the QUIET western entrance to Willow Glen.

# I urge downscaling of the Primrose Day Care proposal to ensure:

- (1) low neighborhood street impact (spillover parking for child drop-off and employee parking)
- (2) commuter/family vehicle safety (Hamilton Ave. entering and exiting left turns at peak hours)
- (3) continuance of residential qualify of life (sanitation, privacy, and lighting spill-over)

I support a child care business, but I do not support the Primrose Day Care proposal of packing the lot with features that create congestion, noise, and unsafe conditions.

Thank-you for including discussion of the above points before your final decisions. The R-1-8 zoning is adequate for residential-compatible development next to an older neighborhood. We do not need more small merchant stores impacting the peace and tranquility of Dry Creek Village Townhomes. The behemoth Primrose Day Care building steps up parking and traffic issues. A scaled-down Day Care could be an asset to District 6 and the immediate neighborhood. It would be attractive to families with young children to establish homes in the area.

Sincerely,

Brooke A. Miller 1627 Fruitwood Court San Jose, CA 95125